IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.687 OF 1999

Sunildatta Nanasaheb Kolpe .. Petitioner

Versus

State of Maharashtra & Ors. .. Respondents

Mr.R.K.Mendadkar for petitioner

Mr.C.R.Sonawane, A.G.P. for State

CORAM : A.P.SHAH AND

S.C.DHARMADHIKARI, JJ.

DATE : 4TH OCTOBER 2004.

P.C.

1. Heard Advocates.

2. Learned A.G.P. fairly conceded that in view of the decision rendered by Kochar, J. in Smt.Jayashri D. Jadhav Vs. State of Maharashtra in W.P.No.1864 of 1999 dated 18th September 1999,

the impugned order of the Scrutiny Committee is liable to be set aside as on the date of hearing, the Scrutiny Committee had no jurisdiction to try the case of the employees of the local bodies and other public sector undertakings. He submitted that the scrutiny committee is now empowered to deal with all matters pertaining to caste certificate by virtue of section 7 of the Maharashtra Act No.23 of 2001. We accordingly set aside the order dated 17th November 1998 passed by the Committee for Scrutiny and Verification of Caste, Pune and remand the case back to the committee for a fresh decision in accordance with law. Scrutiny committee is directed to decide the case as expeditiously as possible and in any event within a period of six months from today. All contentions on merits are kept open.

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